

REMARKS

In light of the above amendatory matter and remarks to follow, reconsideration and allowance of this application are respectfully requested.

At paragraphs 4-16 of the Office Action under reply, the Examiner rejects claims 1-13 under 35 USC 102(e) as being anticipated by Zink et al. (US Patent No. 6,738,964). Applicants respectfully traverse the rejection.

Applicants have amended independent claim 1, from which dependent claims 2-13 depend, to recite a “method for generating a graphical representation of a processing web of an oscilloscope for implementation and control of the oscilloscope”, and further to recite that the first processing element corresponds to a first processing apparatus of the oscilloscope for processing a signal, that the second processing element corresponds to a second processing apparatus of the oscilloscope for processing a signal, and that the signal processed by the first processing apparatus is forwarded to the second processing apparatus. Therefore, the present invention refers to an oscilloscope that uses the processing web to control the actual functioning of the oscilloscope itself. The graphical display is not a mere simulated environment. Furthermore, rather than merely controlling a physical element, the invention recites that the processing web controls the flow of actual data signals between the processing apparatuses.

In Zink et al., however, this is not the case. As set forth in the Abstract of Zink et al., the invention comprises:

A graphical solutions development system using placement of blocks representing hardware/software functionality on a computer screen drawing and connecting the blocks by wires representing data and control flow to create application programs or hardware design. The blocks are instances of development components that include intelligence for optimization within a detected environment. This permits effective programming of digital signal processors and system design by users not expert in digital signal programming and system design.

Therefore, the system of Zink et al. is for use in a development process. While the blocks provided for manipulation may represent a potential hardware component, there is no functioning hardware system that the processing web controls. Rather than allowing for processing web based software control of a hardware system, as in Applicants' claimed invention, Zink et al. merely provides a hardware simulation environment where potential connections and designs can be tried out. There is no teaching in any of the portions of Zink et al. cited by the Examiner that discusses the applicability of the generated software environment to control a functioning hardware environment.

While not relied upon in this application, in related applications 10/802,380 and 10/803,029 the Examiner has relied upon US Patent No. 6,618,630 as an alleged teaching of using a graphical interface to control physical devices. Applicants submit that the application of this reference in the present case would be improper. The '630 patent does not teach use in an oscilloscope or other test equipment. Rather the '630 patent provides a system for field device management. There is no mention in the '630 patent of electronic test equipment, such as an oscilloscope, and there is no discussion of passing electrical signals from one to another processing apparatuses.

Because Zink et al. fails to teach each and every limitation of independent claim 1 as well as dependent claims 2-13 (which depend, either directly or indirectly, from independent claim 1), Applicants therefore respectfully request that the rejection of claims 1-13 under 35 USC 102(e) be withdrawn.

At paragraphs 18-26 the Examiner rejects claims 14-21 and 45-52 under 35 USC 103(a) as being unpatentable over Zink et al. in view of Sprenger et al. (US Patent No. 5,861,882). Applicants respectfully traverse this rejection.


Claims 14 and 45 present independent claims including recitation similar to those noted above with respect to claim 1. Sprenger fails to cure the defects noted above with respect to Zink (or the '630 patent). Accordingly, Applicants submit that claims 14 and 45 are allowable over the combination of references relied upon by the Examiner. Furthermore, claims 15-21 and 46-52 depend from one or the other of independent claims 14 and 45, and are therefore allowable for this reason alone. Additionally, each of these claims presents an independently patentable combination in its own right. The addition of Sprenger et al. fails to cure the defects of Zink et al. noted above. Applicants therefore respectfully request that the rejection of claims 14-21 and 45-52 under 35 USC 103(a) be withdrawn.

CONCLUSION

Applicants have made a diligent effort to place claims 1-21 and 45-52 in condition for allowance, and notice to this effect is earnestly solicited. If the Examiner is unable to issue a Notice of Allowance at this time, it is respectfully requested that the Examiner contact the undersigned attorney to discuss any further outstanding issues.

Early and favorable consideration are respectfully requested.

Respectfully submitted,
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